

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 05-96-GMS
	:	
Jimmie Lark,	:	
	:	
Defendant.	:	

MOTION FOR TEMPORARY RELEASE

The defendant through undersigned counsel hereby moves to this Court to temporarily release Mr. Lark for purposes related to sentencing.

In support of this motion the defense submits as follows:

1. Mr. Lark was scheduled for sentencing on July 25, 2006. The sentencing was rescheduled so that additional information could be provided to the Court. One concern was that suitable drug treatment program options be presented.

2. In order that it may be determined what treatment facilities are available in Lebanon, Pa., where Mr. Lark will live upon his release, counsel has taken the steps to have him interviewed by the Lebanon County Commission on Drug & Alcohol Abuse. (Contact person: Robert Count 717-274-0427). The Commission will not locate a treatment facility for Mr. Lark unless an interview has occurred and they cannot not travel to conduct the interview in Salem, New Jersey.

3. As a result, it is requested that undersigned counsel be permitted, along with Federal Defender Investigator Sean Williams, to transport Mr. Lark to the interview.

4. Counsel has advised government counsel, Beth Moskow-Schnoll of this request and she raises no objections to this procedure. In addition, counsel has conferred with the United States Marshals, per Douglas Denney as to the feasibility of this procedure. In order to accomplish this request, Mr. Lark must be placed in undersigned counsel's custody and have a specific return time.

5. Mr. Lark agrees to abide by the conditions set forth in the attached order.

WHEREFORE for these reasons and any other such reasons as shall appear to the Court it is requested that this Motion be granted and the attached Order be signed.

Respectfully submitted,

/s/

Penny Marshall, Esquire
Federal Public Defender
First Federal Plaza
704 King Street, Suite 110
Wilmington, DE 19801
(302) 573-6010
Attorney for Jimmie Lark

Dated: August 22, 2006

CERTIFICATE OF SERVICE

Undersigned counsel certifies that his Motion for Temporary Release is available for public viewing and downloading and was electronically delivered on August 22, 2006 to:

Beth Moskow-Schnoll
Assistant United States Attorney
1007 Orange Street,
Suite 700
Wilmington, DE 19801

_____/s/_____
Penny Marshall, Esquire
Federal Public Defender
First Federal Plaza
704 King Street, Suite 110
Wilmington, DE 19801
(302) 573-6010
Attorney for Jimmie Lark

Dated: August 22, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 05-96-GMS
	:	
Jimmie Lark,	:	
	:	
Defendant.	:	

ORDER

Having considered Defendant's Motion for temporary release, with no objection expressed by the government.

IT IS HEREBY ORDERED this _____ day of August that

The United States Marshals shall produce Mr. Jimmie Lark by 8:30a.m. on August 29, 2006. Federal Defender Penny Marshall shall assume custody of Mr. Lark for purposes of transporting him to the Lebanon County Commission on Drug and Alcohol Abuse, 220 E. Lehman Street, Lebanon, Pa.17046 for an interview scheduled for 11:30 a.m.

Upon completion of the interview, Mr. Lark shall be returned to the custody of the Marshals at the Delaware United States Federal District Court on August 29, 2006 no later than 4:00 p.m.

Mr. Lark shall not violate any law during his release and shall remain in Counsel's custody while released.

The Honorable Gregory M. Sleet
United States District Court